

Patent

Attorney Docket No. 101.0077-00000

Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

NOV 20 2003

In re application of:

Gary K. Michelson, M.D.

Serial No.: 09/553,573

Filed: April 19, 2000

For: ARTIFICIAL HEMI-LUMBAR
INTERBODY SPINAL IMPLANT
HAVING AN ASYMMETRICAL
LEADING END AND METHOD
FOR INSTALLATION THEREOF

Confirmation No. 3776

Group Art Unit: 3738

Examiner: B. Snow

OFFICIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450COMMUNICATION REGARDING INTERVIEW SUMMARY

Applicant's representatives interviewed the Examiner over the telephone on November 5, 2003. During the Interview, Applicant's representatives directed the Examiner's attention to the portion of the remarks contained in Applicant's Amendment of July 24, 2003 (the "July Amendment") indicating support for new Figs. 5A, 5B, and 5C.

The Examiner then objected to the rounded corners shown in new Figs. 5A, 5B, and 5C as not relating to the subject matter of claims 7, 36, and 37. Applicant assumes that the reference to claim 6 in the "Interview Summary" mailed November 7, 2003 is a typographical error as it was the subject matter of claim 7 that was discussed, not claim 6.

Applicant's representatives and the Examiner also discussed the Examiner's objection to the drawing changes not being shown in red. Applicant's representatives

Application No. 09/553,573
Communication dated November 20, 2003
Reply to Interview Summary of November 7, 2003

referred the Examiner to 37 C.F.R. § 1.121(d), which does not require Applicant to submit proposed drawing corrections in red except when formally requested by the Examiner. (See, 37 C.F.R. § 1.121(d)(2)). Applicant's representatives explained to the Examiner that the reference number "220" was being added to Fig. 10 and that this change was previously explained on page 16 of the July Amendment. Applicant's representatives agreed to submit new drawings for Figs. 5A, 5B, and 5C eliminating the rounded corners shown in the figures.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: November 20, 2003

By: Thomas H. Martin
Thomas H. Martin
Registration No. 34,383

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: 330-877-0700
Facsimile: 330-877-2030

RECEIVED
CENTRAL FAX CENTER

NOV 20 2003

OFFICIAL

MARTIN & FERRARO, LLP
1557 Lake O'Pines Street, NE
Hartville, Ohio 44632Telephone
(330) 877-0700Facsimile
(330) 877-2030

FACSIMILE TRANSMITTAL

TO:	FROM:
Name: Examiner B. Snow	Name: Thomas H. Martin, Esq.
Firm: U.S. Patent & Trademark Office	Phone No.: 330-877-2277
Fax No.: 703-872-9302	No. of Pages (including this): 3
Subject: U.S. Patent Application No. 09/553,573 Gary K. Michelson, M.D.	Date: November 20, 2003
Filed: April 19, 2000	Confirmation Copy to Follow: NO
ARTIFICIAL HEMI-LUMBAR INTERBODY SPINAL IMPLANT HAVING AN ASYMMETRICAL LEADING END AND METHOD FOR INSTALLATION THEREOF	
Attorney Docket No. 101.0077-00000	
Customer No. 22882	
Confirmation No. 3776	

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Communication Regarding Interview Summary is being facsimile transmitted to the U.S. Patent and Trademark Office on November 20, 2003.


Sandra L. Blackmon

If there is a problem with this transmission please call Sandy Blackmon at 330-877-1202 or the sender at the number above.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the addressee listed above. If you are not the intended recipient or the employee or agent responsible to deliver this message to the intended recipient, please do not use this transmission in any way, but contact the sender by telephone.